

# Section A

## Program history and structure



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# Introduction

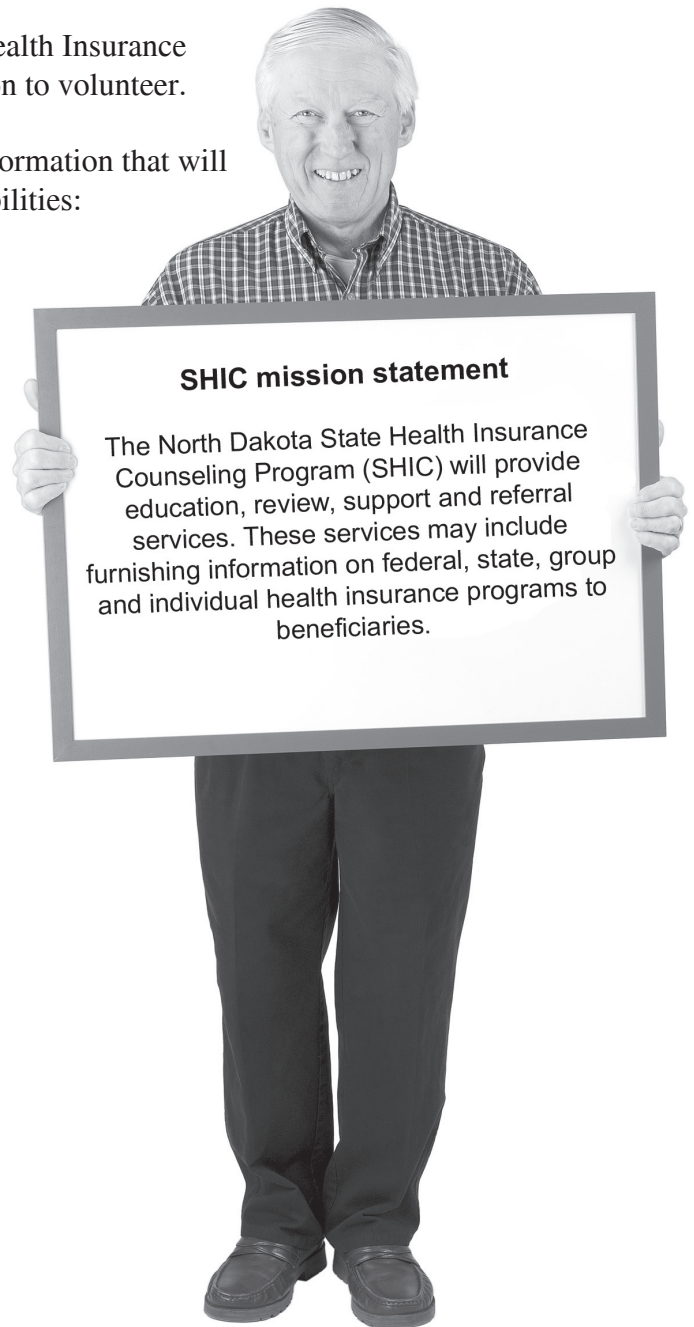
Thank you for your interest in the North Dakota State Health Insurance Counseling program and congratulations on your decision to volunteer.

Over the next few days, you will receive training and information that will enable you to help senior citizens and persons with disabilities:

1. Understand Medicare and private insurance policies.
2. Know their rights and opportunities in the area of health insurance.
3. Make decisions about the kinds and amounts of coverage they need.
4. Evaluate the health insurance policies available to them.
5. Know where to go for other needed services.

Your commitment will really make a difference in the lives of citizens in our state.

Thank you and good luck!



# The department

There are a number of different divisions involved in the North Dakota Insurance Department's goal of ensuring that consumers receive fair value and service from insurance carriers.

1. The **Administration Division** handles personnel, accounting, information technology issues, support and day-to-day operations.

2. The **Examination and Company Licensing Division** monitors the fiscal practices and overall soundness of domestic (North Dakota-based) insurers and oversees company licensing.

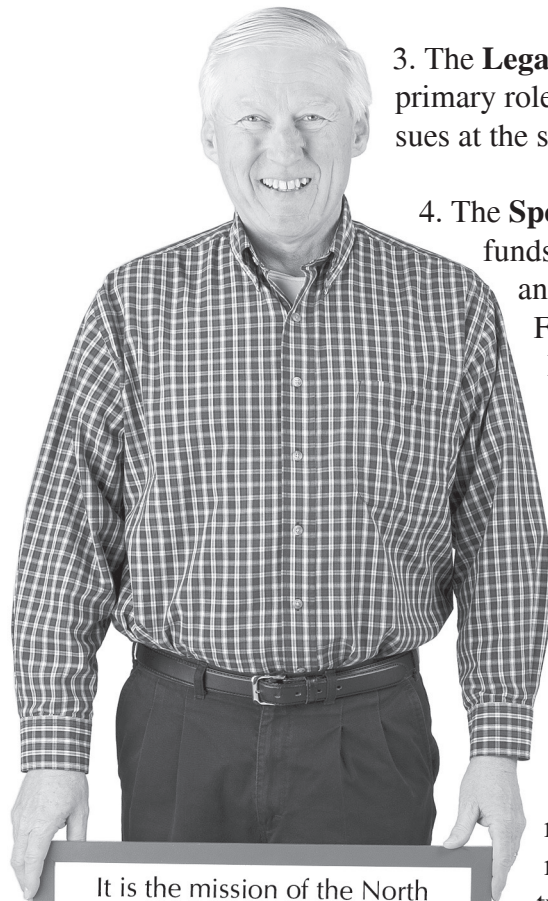
3. The **Legal/Enforcement Division** oversees legal issues and plays a primary role in developing legislation and reviewing insurance-related issues at the state and national level.

4. The **Special Funds Division** administers special insurance-related funds established by the Legislative Assembly including the Fire and Tornado Fund, Petroleum Tank Release Fund, Bonding Fund, Boiler Inspection Program and Anhydrous Ammonia Program.

5. The **Consumer Protection Life/Health Division** encompasses State Health Insurance Counseling and Prescription Connection for North Dakota. It includes analysts who review life and health insurance policy forms and rate filings and investigate complaints related to these types of insurance. The consumer hotline staff are also part of this division.

6. The **Consumer Protection Property/Casualty Division** reviews property and casualty insurance policy forms and rate filings and investigates complaints related to these types of insurance.

7. The **Agent Licensing Division** oversees agent licensing and agent continuing education. This division also handles complaint investigations and works closely with the Legal Division when investigations result in prosecution.



It is the mission of the North Dakota Insurance Department to protect the public good by fairly and effectively administering the laws of North Dakota. We are committed to vigorous consumer protection efforts while fostering a strong, competitive marketplace that provides consumers with choices and access to high-quality insurance products and services at competitive prices. In pursuit of our mission, we will treat all of our constituencies with the highest ethical standards and respect they deserve.

# State Health Insurance Counseling Program

The State Health Insurance Counseling (SHIC) Program was formally initiated in January 1993. SHIC is funded by a grant from the Centers for Medicare and Medicaid Services (CMS), a division of the federal Department of Health and Human Services. CMS is the agency that administers Medicare.

The SHIC program assists Medicare beneficiaries in becoming more knowledgeable about Medicare and group and private insurance programs.

The SHIC program is a public-private-volunteer partnership between the Department, sponsoring organizations and volunteers.

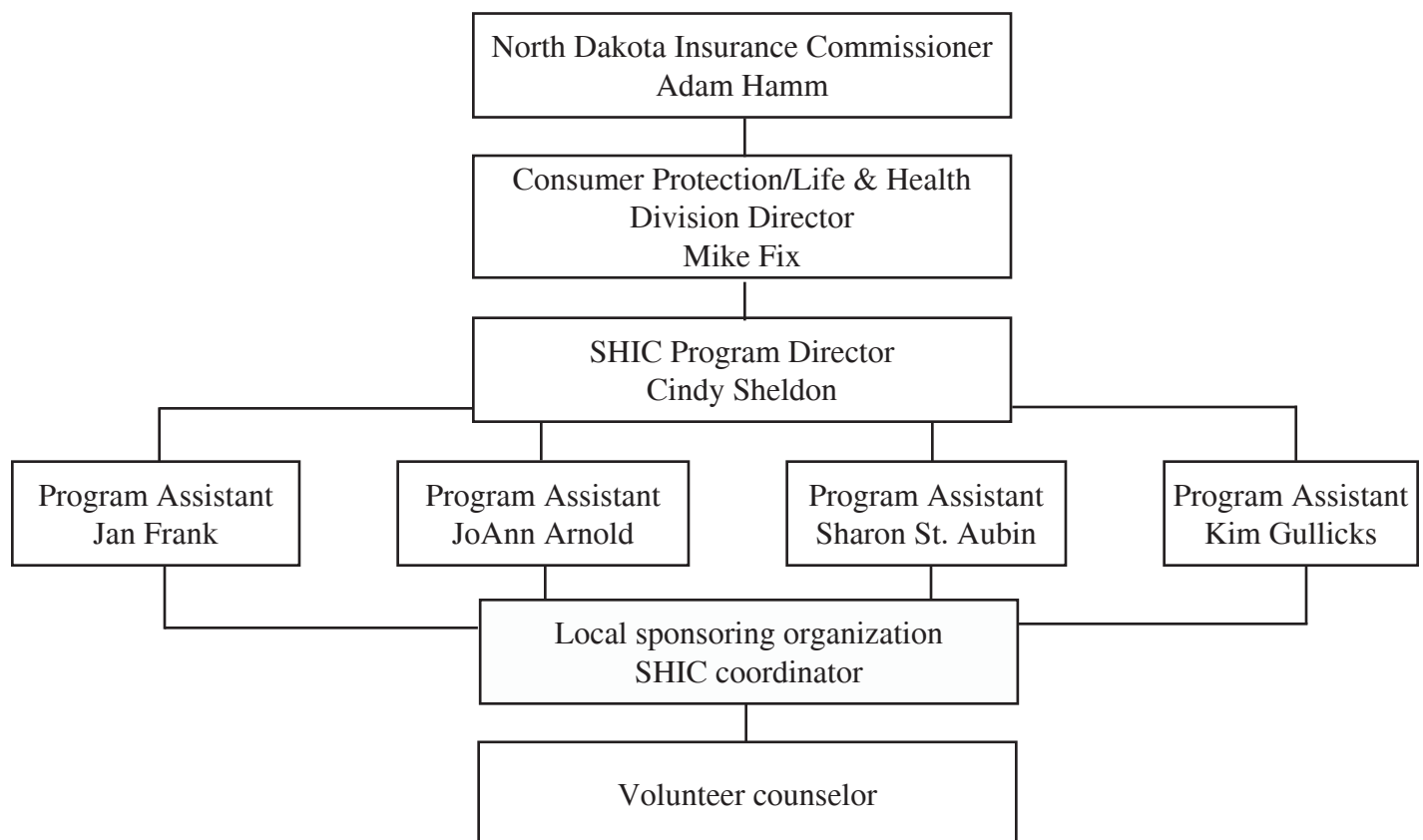
1. Centers for Medicare and Medicaid Services provides the funding for the SHIC program.
2. The Insurance Department administers the program, providing technical training and support; overseeing federal reporting requirements; and developing statewide promotion options.
2. Local sponsors provide general support and administrative services as needed; maintain local client files; and develop local promotion options.
3. Local volunteer counselors provide direct assistance to Medicare beneficiaries regarding Medicare education, health insurance problems, enrollment and other activities. They maintain their knowledge and skills by reading the SHIC bi-monthly newsletter and annually attend updated training sessions.

# SHIC staff

The SHIC director and staff are responsible for:

1. Recruiting sponsors.
2. Coordinating and conducting training sessions.
3. Developing and coordinating statewide and local publicity.
4. Providing counselors and consumers with resource material.
5. Presenting public forums on Medicare and health insurance issues.
6. Reporting to CMS.
7. Answering consumer questions that come into the Insurance Department about Medicare, Medicare supplement, long-term care and other health-related insurances.

## SHIC organizational chart



# Local organization sponsors

The sponsor is responsible for:

1. Supplying physical space and administrative supplies. As necessary, the sponsor provides space (i.e., private meeting room), supplies (i.e., paper, pen, envelopes) and services (i.e., copying, mailing, telephone) for the counselor to carry out their assigned case. Internet access is preferred.
2. Promoting the program. Sponsors are encouraged to promote the program through low cost or no cost means. Examples include talk shows, newsletters, fliers, PSAs, posters and brochures. Resource material and other assistance can be provided by the Department.

# Counselors

Counselors are responsible for:

1. Completing the initial training session.
2. Providing direct assistance. Counselors will follow up on assigned calls within 24 hours or as soon as possible.
  - If the case requires large amounts of copying or supplies, counselors should consult the state office about the needs.
  - Mileage is also available for cases requiring out-of-town travel.
3. Record keeping. For each client contact, the counselor completes a Client Contact Form or inputs the data online at [www.shiptalk.org](http://www.shiptalk.org). We request that this be completed by the 10th of each month.
4. Attending update training sessions. Counselors are required to attend at least one update session each year. Updates are an opportunity to ask questions, gather new information and network with other volunteers. Scheduling is done at least six weeks in advance to make fulfilling the attendance requirement easier.
5. Promoting. Counselors are also asked to work with the sponsoring organization to promote the SHIC program in the local community. Counselors are also encouraged to promote the SHIC program at outreach events or in other relevant interactions.





# SHIC volunteer counselor job description

## **Purpose of position**

To provide health insurance information, counseling assistance and referral services to Medicare beneficiaries, their families and caregivers.

**Responsible to:** North Dakota State Health Insurance Counseling program staff

## **Responsibilities:**

- Satisfactory completion of the State Health Insurance Counseling program's initial training. Signing the Volunteer Agreement indicates you feel prepared to provide counseling assistance.
- Provide health insurance counseling services without conflict of interest and in compliance with SHIC program guidelines.
- Conduct individual counseling sessions
  - Assess client's need for information and/or assistance
  - Provide Medicare, Medicare supplement, long-term care insurance, and Medicare prescription drug information
  - Assist with Medicare and other health insurance claims filing, appeals and/or referrals
  - Provide informal claims advocacy as required
  - Provide referrals to appropriate resources
- File reports and provide follow up as required
- Handle client information in confidence
- Satisfactorily complete continuation training as required by the SHIC program

## **Qualifications**

Ability to get along with others, sensitive and caring attitude, willingness to learn and ability to retain information relevant to health insurance provisions, good listening skills, good written and oral communication skills. Confidentiality is required and training is provided at no cost.

**Time commitment:** Open

# Volunteer liabilities

## 1. North Dakota Century Code

### 26.1-02-24.3. Insurance counseling programs - Volunteers - Immunity from liability.

A person who, on a volunteer basis, provides services or performs duties on behalf of the insurance commissioner for an insurance counseling program is immune from civil liability for any act or omission resulting in damage or injury if at the time of the act or omission the person who caused the damage or injury was acting in good faith, in the exercise of reasonable and ordinary care, and in the scope of that person's duties as a volunteer and the act or omission did not constitute willful misconduct or gross negligence. This section does not grant immunity to a person causing damage as a result of the negligent operation of a motor vehicle.

## 2. HIPAA

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) provided the Department of Health and Human Services (HHS) with the authority to craft privacy protections by regulation. HHS issued the regulation, "Standards for Privacy of Individually Identifiable Health Information," (Privacy Rule) on Dec. 28, 2000, with modifications published on 8/14/02. The rule became effective on 4/14/01. Most covered entities had until 4/14/03 to come into compliance with the regulation.

The Privacy Rule provides the first comprehensive federal protection for the privacy of health information. While federal agencies that hold individually identifiable information are subject to the Privacy Act of 1974, the HIPAA Privacy Rule extends privacy protections to the private sector as well. Additional information on the federal privacy standards, including the final rule, may be found at 45 CFR Part 160 and 164, 65 Federal Register 82462 as amended by 66 FR 12434 or at <http://www.hhs.gov/ocr/hipaa/>. The Office of Civil Rights (OCR) is the Departmental component responsible for implementing and enforcing the privacy regulation.

The privacy provisions of the federal HIPAA law apply to health information created or maintained by covered entities, which are defined as health plans, health care clearinghouses, and health care providers who engage in certain electronic transactions. As a health plan, Medicare is the covered entity. The State Health Insurance Assistance Program (SHIP) employees and volunteers do not meet the definition of a covered entity under the Privacy Rule and, therefore, are not subject to the provisions of the rule. The Privacy Rule extends certain protections to the business associates of a covered entity. By definition, a business associate is a person or entity that performs or assists in the performance of a function or activity involving the use or disclosure of individually identifiable health information on behalf of a covered entity. Although the SHIP employees and volunteers work under a grant from CMS, they are not business associates of the Medicare program since the work they do involving protected health information is on behalf of the beneficiary, not the covered entity.

Notwithstanding the above clarification, your state laws governing privacy are still applicable to SHIPs. The CMS SHIP grant terms and conditions are provided as requirements for safeguarding any information related to the Medicare beneficiary as a matter of responsible conduct of SHIP grantees. However, as stated above, any additional regulations that are state specific may apply accordingly. For any state specific questions, please contact your State Office on Privacy.